

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10833MBB

NICHOLAS E. HURLIN)
Plaintiff)
)
v.)
)
TOWN OF ROWLEY,)
Defendant)

AFFIDAVIT OF PAMELA J. FITZGERALD

I, Pamela J. Fitzgerald, under oath, state as follows:

1. I am counsel for the Town of Rowley in the above matter.
2. The attached meeting minutes from the Rowley Board of Selectmen and the Rowley Board of Health dated January 8, 2001, are true and accurate copies of the minutes kept by those entities.
3. The attached Memoranda from Alyssa Rusiecki dated January 8, 2001 and G. Robert Merry dated January 9, 2001 are true and accurate copies of documents maintained by the Town of Rowley.
4. I also represented the Town of Rowley in the matter of Nicholas Hurlin v. Town of Rowley, Essex Superior Court C. A. No.: 91-02563. That lawsuit involved a taking claim, which was filed by Mr. Hurlin after the Rowley Board of Health condemned property, located at 27 Central Street, Rowley, Massachusetts because the septic system had failed and the plaintiff failed to replace it. That case was recently tried to a jury in the Lawrence Superior Court and resulted in a defense verdict.
5. The Town of Rowley filed a Complaint for a Permanent Injunction against Mr. Hurlin in 1988 after Mr. Hurlin illegally converted 27 Central Street to a two-family residence. The permanent injunction was granted and it ordered Mr. Hurlin to remove the second floor apartment. The permanent injunction remains in effect.

Signed under the pains and penalties of perjury this 31st day of January, 2005.


Pamela J. Fitzgerald